IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2660 OF 2006

Sudhakar Vithal Narvekar Applicant
versus
State of Maharashtra Respondent

Shri G.G.Gavnekar for applicant.
Mrs.M.H.Mhatre, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 4th September 2006

PC :

1. Shri Gavnekar appearing for the applicant submits that the applicant has been arrested in CR No.101 of 2006 which are alleging offences punishable under IPC.. The offences are of forgery and cheating. The applicant has been arrested on 30th March 2006.

2. The charge sheet has been filed pursuant to completion of investigation. The applicant has not applied to the Trial Court but has applied to this Court for being enlarged on regular bail only because of the fact that the co-accused Dilip Bhaskar Bhingarde who has been attributed

similar role in the entire episode was enlarged on bail by this Court on 14h July 2006 in Criminal Application No.2333 of 2006.

3. Shri Gavnekar, therefore, submits that the case of the present applicant, who is neither an officer of MHADA, SRA, Charity Commissioner of Mumbai or the Public Charitable Trust but merely a recipient of the amount along with the applicant who has been enlarged on bail deserves to be granted bail on parity alone. Learned APP on the other hand submits that the distinguishable features as far as applicant is concerned are that search of his premises disclosed various letter heads of the above entities namely, the Government Authorities. Further, he has received heavy sums and has purchased a flat at Dadar and cash amount in crores of rupees was recovered at his instance along with a motor car. He has floated a firm namely Mahakali Enterprises and he distributed monies as loans to various persons. Investigations in the above transactions are in progress.

4. In my view, as far as present crime is concerned, no materials are produced, apart from

the statement on affidavit in this Court that the applicant had any role to play in the forging of the documents or the records/letters. His role is after the cheques were deposited and credited to the account of trust. He is also recipient of the amounts from the trustees namely accused no.4. His act of floating a firm/enterprise and distributing amounts as loans to various other persons regarding which investigations are in progress, as far as present crime is registered and the charge sheet is concerned, would have no bearing, prima facie in considering his application for being enlarged on bail. Those investigations can always continue. However, as far as role attributed to the applicant presently is concerned, it appears to be on par with Shri Bhingarde who has been granted bail. Thus, on grounds of parity as well as the fact that now investigations are complete, recoveries are made and charge sheet is filed, the applicant having no other antecedents, deserves to be enlarged on bail. Hence following order.

5. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.T-101/2006 registered with

Wagle Estate Police Station, Thane subject to furnishing a personal bond of Rs.50,000/- (Rs.Fifty thousand only) along with one or two local sureties in the like sum;

(ii) The applicant shall report Wagle Estate Police Station, Thane once in a week;

(iii) The applicant shall deposit his pass port forthwith with Wagle Estate Police Station, Thane. Deposit of pass port is condition precedent;

(iv) The applicant shall furnish particulars of address where he would reside after release on bail during pendency of trial. The applicant shall not change the address during this period without prior intimation to the Investigating Machinery;

(v) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(vi) The applicant shall co-operate with the

Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(vii) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

(viii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)